

## Comments

### Claim Rejections – 35 USC § 103

The Examiner rejected claims 86-104 under 35 U.S.C. §103(a) as being unpatentable over Curry in view of Pugh.

The Examiner cited the court decision "...that mere size is not ordinarily a matter of invention..." and "...the size of the article under consideration which is not ordinarily a matter of invention...". However, the current invention is not "ordinary" and has a similar nature to the following patents for its advantages which did not appear in any of Curry or Pugh's patents. Therefore, applicant respectfully request Examiner to reconsider the rejection of claims 86-104 based on the patentability of following patents:

6,942,518 Small volume in vitro analyte sensor and methods  
6,749,740 Small volume in vitro analyte sensor and methods  
6,618,934 Method of manufacturing small volume in vitro analyte sensor  
6,616,819 Small volume in vitro analyte sensor and methods  
6,576,101 Small volume in vitro analyte sensor  
6,551,494 Small volume in vitro analyte sensor

Very respectfully,

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**Certificate of Mailing:** I certify that on the date below this document and referenced attachments, if any, will be deposited with the U. S. Postal Service as first class mail in an envelop addressed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 10, 2007

**Tom C. Xu, Applicant**

A handwritten signature in black ink, appearing to read 'Tom C. Xu', with a stylized, cursive script.